
SENATE BILL No. 119

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 3-10-1; IC 20-23; IC 20-25-3-4; IC 33-33-53-5.

Synopsis: School board elections at general election time. Requires that school board members selected by election must be elected at general elections.

Effective: July 1, 2006.

Lubbers

January 9, 2006, read first time and referred to Committee on Elections and Civic Affairs.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 119

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-8-2-2.2, AS AMENDED BY P.L.1-2005,
2 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 2.2. (a) A candidate for a school board office must
4 file a petition of nomination in accordance with IC 3-8-6 and as
5 required under IC 20-23-12, IC 20-23-14, or IC 20-23-4. The petition
6 of nomination, once filed, serves as the candidate's declaration of
7 candidacy for a school board office.

8 (b) A candidate for a school board office is not required to file a
9 statement of organization for the candidate's principal committee by
10 noon seven (7) days after the final date for filing a petition of
11 nomination or declaration of intent to be a write-in candidate unless the
12 candidate has received contributions or made expenditures requiring
13 the filing of a statement under IC 3-9-1-5.5.

14 **(c) This section expires June 30, 2007.**

15 SECTION 2. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) A person who files a
17 declaration of candidacy for an elected office for which a per diem or



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1 salary is provided for by law is disqualified from filing a declaration of
 2 candidacy for another office for which a per diem or salary is provided
 3 for by law until the original declaration is withdrawn.

4 (b) A person may file both:

5 (1) a declaration of candidacy under this chapter for nomination
 6 to a federal or state office; and

7 (2) a written request under IC 3-8-3-1 that the person's name be
 8 placed on the ballot in a primary election as a candidate for
 9 nomination for the office of President of the United States.

10 (c) A person may not file:

11 (1) a declaration of candidacy for a nomination; and

12 (2) a petition of nomination or declaration of intent to be a
 13 write-in candidate for a school board office that is elected at the
 14 same time as the primary election.

15 If a person files both a declaration of candidacy and a petition of
 16 nomination described in this subsection, the matter shall be referred to
 17 the county election board under ~~section 18~~ **section 14(b)** of this
 18 chapter. The board shall determine which document was most recently
 19 filed and shall consider the previously filed document to have been
 20 withdrawn. **This subsection expires June 30, 2007.**

21 SECTION 3. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) Upon receipt of the certified
 23 list under section 17 of this chapter, a county election board shall
 24 immediately compile under the proper political party designation the
 25 following:

26 (1) The title of each office.

27 (2) The name of each individual who has filed a request to be
 28 placed on the presidential primary ballot.

29 (3) The names and addresses of all persons for whom declarations
 30 of candidacy have been filed for nomination to an office on the
 31 primary election ballot.

32 (4) The names and addresses of all persons who have filed a
 33 petition of nomination for election to a school board office to be
 34 chosen at the same time as the primary election. **This subdivision
 35 expires June 30, 2007.**

36 (5) The text of any public question to be placed on the ballot.

37 (6) The date of the primary election.

38 (7) The hours during which the polls will be open.

39 (b) The county election board shall do the following:

40 (1) Publish the information described in subsection (a) before the
 41 primary election in accordance with IC 5-3-1.

42 (2) File a copy of the information described in subsection (a):

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(A) with the election division; and

(B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

(1) compilation of the information described in subsection (a) has occurred; or

(2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

SECTION 4. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 2.5. Declaration of Candidacy for School Board Office

Sec. 1. This chapter applies after June 30, 2007, to a candidate for a school board office.

Sec. 2. A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

Sec. 3. A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5.

Sec. 4. (a) A petition of nomination for a school board office must be filed not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the general election. The petition must be subscribed and sworn to before a person authorized to administer oaths.

(b) A declaration of intent to be a write-in candidate for a school board office must be filed not earlier than ninety (90) days before the general election and not later than noon five (5) days before the final date for the delivery of absentee ballots under IC 3-11-4-15. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

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SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.221-2005,
SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2006]: Sec. 19. (a) The ballot for a primary election shall be
printed in substantially the following form for all the offices for which
candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark
(X or ✓) on or in the box before the person's name in the proper
column. For punch card ballots, print: To vote for a person, punch
through the chad before the number assigned to the person's name in
the proper column. For optical scan ballots, print: To vote for a person,
darken or shade in the circle, oval, or square (or draw a line to connect
the arrow) that precedes the person's name in the proper column. For
optical scan ballots that do not contain a candidate's name, print: To
vote for a person, darken or shade in the oval that precedes the number
assigned to the person's name in the proper column. For electronic
voting systems, print: To vote for a person, touch the screen (or press
the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on
the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified
under IC 33, with each division separate if there is more than
one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified
under IC 33, with each division separate if there is more than
one (1) judge of the superior court.

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- 1 (C) Judge of the probate court.
 2 (D) Judge of the county court, with each division separate, as
 3 required by IC 33-30-3-3.
 4 (E) Prosecuting attorney.
 5 (F) Circuit court clerk.
 6 (4) County offices:
 7 (A) County auditor.
 8 (B) County recorder.
 9 (C) County treasurer.
 10 (D) County sheriff.
 11 (E) County coroner.
 12 (F) County surveyor.
 13 (G) County assessor.
 14 (H) County commissioner.
 15 (I) County council member.
 16 (5) Township offices:
 17 (A) Township assessor.
 18 (B) Township trustee.
 19 (C) Township board member.
 20 (D) Judge of the small claims court.
 21 (E) Constable of the small claims court.
 22 (6) City offices:
 23 (A) Mayor.
 24 (B) Clerk or clerk-treasurer.
 25 (C) Judge of the city court.
 26 (D) City-county council member or common council member.
 27 (7) Town offices:
 28 (A) Clerk-treasurer.
 29 (B) Judge of the town court.
 30 (C) Town council member.
 31 (c) The political party offices with candidates for election shall be
 32 placed on the primary election ballot in the following order after the
 33 offices described in subsection (b):
 34 (1) Precinct committeeman.
 35 (2) State convention delegate.
 36 (d) The following offices and public questions shall be placed on the
 37 primary election ballot in the following order after the offices described
 38 in subsection (c):
 39 (1) School board offices to be elected at the primary election.
 40 (2) Other local offices to be elected at the primary election.
 41 (3) Local public questions.
 42 **This subsection expires June 30, 2007.**

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(e) This subsection applies after June 30, 2007. The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

(1) Other local offices to be elected at the primary election.

(2) Local public questions.

~~(e)~~ (f) The offices and public questions described in subsection (d) or, after June 30, 2007, subsection (e) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

~~(f)~~ (g) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,

if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 6. IC 3-10-1-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19.2. (a) Whenever candidates are to be nominated for an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) Whenever candidates are to be nominated for an office that includes both an at-large member and a member representing a district, the candidates seeking nomination as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district.

(c) This subsection applies to a school board office or political office to be elected at the primary election ballot. Candidates for a school board office or a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b). **This subsection expires June 30, 2007.**

(d) **This subsection applies after June 30, 2007. This subsection applies to a political party office to be elected at the primary election. Candidates for a political party office shall be placed on**

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1 **the ballot in accordance with the rules applicable to candidates for**
 2 **nomination to an office under subsections (a) and (b).**

3 SECTION 7. IC 3-10-1-32 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. **(a)** Primary election
 5 returns must contain the whole number of votes cast for:

- 6 (1) each candidate of each political party;
 7 (2) each public question voted on at the primary election; and
 8 (3) each candidate for election to a school board office or political
 9 party office.

10 **This subsection expires June 30, 2007.**

11 **(b) This subsection applies after June 30, 2007. Primary election**
 12 **returns must contain the whole number of votes cast for:**

- 13 **(1) each candidate of each political party;**
 14 **(2) each public question voted on at the primary election; and**
 15 **(3) each candidate for election to a political party office.**

16 SECTION 8. IC 20-23-4-12, AS ADDED BY P.L.1-2005,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2006]: Sec. 12. (a) In formulating a preliminary reorganization
 19 plan and with respect to each of the community school corporations
 20 that are a part of the reorganization plan, the county committee shall
 21 determine the following:

- 22 (1) The name of the community school corporation.
 23 (2) Subject to subsection (e), a general description of the
 24 boundaries of the community school corporation.
 25 (3) With respect to the board of school trustees, **the following:**
 26 (A) Whether the number of members is:
 27 (i) three (3);
 28 (ii) five (5); or
 29 (iii) seven (7).
 30 (B) Whether the members are elected or appointed.
 31 (C) If the members are appointed:
 32 (i) when the appointments are made; and
 33 (ii) who makes the appointments.
 34 (D) If the members are elected, whether the election is at:
 35 (i) the primary election at which county officials are
 36 nominated; or
 37 (ii) the general election at which county officials are elected.
 38 ~~and~~

39 **For a reorganization plan that takes effect after June 30,**
 40 **2007, members may be elected only at the general election**
 41 **at which county officials are elected.**

42 (E) Subject to sections 21 and 22 of this chapter, the manner

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- 1 in which members are elected or appointed.
- 2 (4) The compensation, if any, of the members of the regular and
- 3 interim board of school trustees, which may not exceed the
- 4 amount provided in ~~IC 20-26-4-6~~. **IC 20-26-4-7.**
- 5 (5) Subject to subsection (f), qualifications required of the
- 6 members of the board of school trustees, including limitations on:
- 7 (A) residence; and
- 8 (B) term of office.
- 9 (6) If an existing school corporation is divided in the
- 10 reorganization, the disposition of assets and liabilities.
- 11 (7) The disposition of school aid bonds, if any.
- 12 (b) If existing school corporations are not divided in the
- 13 reorganization, the:
- 14 (1) assets;
- 15 (2) liabilities; and
- 16 (3) obligations;
- 17 of the existing school corporations shall be transferred to and assumed
- 18 by the new community school corporation of which they are a part,
- 19 regardless of whether the plan provides for transfer and assumption.
- 20 (c) The preliminary plan must be supported by a summary statement
- 21 of:
- 22 (1) the educational improvements the plan's adoption will make
- 23 possible;
- 24 (2) data showing the:
- 25 (A) assessed valuation;
- 26 (B) number of resident students in average daily attendance in
- 27 grades 1 through 12;
- 28 (C) assessed valuation per student referred to in clause (B);
- 29 and
- 30 (D) property tax levies;
- 31 of each existing school corporation to which the plan applies;
- 32 (3) the:
- 33 (A) assessed valuation;
- 34 (B) resident average daily attendance; and
- 35 (C) assessed valuation per student;
- 36 data referred to in subdivision (2)(A) through (2)(C) that would
- 37 have applied for each proposed community school corporation if
- 38 the corporation existed in the year the preliminary plan is
- 39 prepared or notice of a hearing or hearings on the preliminary
- 40 plan is given by the county committee; and
- 41 (4) any other data or information the county committee considers
- 42 appropriate or that may be required by the state board in its rules.

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(d) The county committee:

(1) shall base the assessed valuations and tax levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:

(A) the year the preliminary plan is prepared; or

(B) the year notice of a hearing or hearings on the preliminary plan is given by the county committee;

(2) may base the resident average daily attendance figures on the calculation of the figures under the rules under which they are submitted to the state superintendent by existing school corporations; and

(3) shall set out the resident average daily attendance figures for:

(A) the school year in progress if the figures are available for that year; or

(B) the immediately preceding school year if the figures are not available for the school year in progress.

The county committee may obtain the data and information referred to in this subsection from any source the committee considers reliable. If the county committee attempts in good faith to comply with this subsection, the summary statement referred to in subsection (c) is sufficient regardless of whether the statement is exactly accurate.

(e) The general description referred to in subsection (a)(2) may consist of an identification of an existing school corporation that is to be included in its entirety in the community school corporation. If a boundary does not follow the boundary of an existing civil unit of government or school corporation, the description must set out the boundary:

(1) as near as reasonably possible by:

(A) streets;

(B) rivers; and

(C) other similar boundaries;

that are known by common names; or

(2) if descriptions as described in subdivision (1) are not possible, by section lines or other legal description.

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the services of the county surveyor in preparing a description of a boundary line.

(f) A member of the board of school trustees:

(1) may not serve an appointive or elective term of more than four

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1 (4) years; and

2 (2) may serve more than one (1) consecutive appointive or
3 elective term.

4 SECTION 9. IC 20-23-4-29, AS ADDED BY P.L.58-2005,
5 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2006]: Sec. 29. (a) This section applies to each school
7 corporation.

8 (b) If a plan provides for the election of members of the governing
9 body of the community school corporation at a primary election, at the
10 time provided by IC 3-8-2 for the filing of notice of candidacies for the
11 primary election following the creation of the community school
12 corporation, nominations for members of the governing body of the
13 community school corporation may be made by a petition signed by the
14 candidates and ten (10) registered voters residing within the boundaries
15 of the community school corporation. **This subsection expires June
16 30, 2007.**

17 (c) A petition must be filed with the circuit court clerk of the county
18 that contains the greatest percentage of population of the school
19 corporation. If the plan requires residence in a specified district or
20 voting solely in a specified district for a governing body member office,
21 the petition must clearly state the residence or electoral district from or
22 for which the person is a candidate. If a school corporation is located
23 in more than one (1) county, the circuit court clerk shall, after
24 determining that a petition complies with subsection (b), promptly
25 certify to each circuit court clerk of a county in which the school
26 corporation is located, the names of the candidates to be placed on the
27 ballot. **This subsection expires June 30, 2007.**

28 (d) If a plan provides for an election of members of the governing
29 body at a general election, the filing of notice of candidates must be
30 made in the manner provided for filing at primary elections under this
31 section. The filing must be made within the same period before the
32 general election as would have been required before the primary
33 election had the election been held at the latter time. **This subsection
34 expires June 30, 2007.**

35 (e) **This subsection applies after June 30, 2007. If a plan
36 provides for election of members of the governing body, the
37 members of the governing body shall be elected at a general
38 election. Each candidate shall file a petition of nomination in
39 accordance with IC 3-8-2.5 that is signed by the candidate and by
40 ten (10) registered voters residing within the boundaries of the
41 community school corporation. The filing must be made within the
42 time specified by IC 3-8-2.5-4.**

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1 ~~(e)~~ **(f)** All nominations shall be listed for each office in the form
 2 prescribed by IC 3-10-1-19 or IC 3-11 but without party designation.
 3 Voting and tabulation of votes shall be conducted in the same manner
 4 as voting and tabulation in primary elections are conducted. The
 5 precinct election boards serving at each primary election in each county
 6 shall conduct the election for governing board members. If a school
 7 corporation is located in more than one (1) county, each county election
 8 board shall print the ballots required for voters in that county to vote
 9 for candidates for members of the board of school trustees of the school
 10 corporation. **This subsection expires June 30, 2007.**

11 **(g) This subsection applies after June 30, 2007. All nominations**
 12 **shall be listed for each office in the form prescribed by IC 3-11-2,**
 13 **but without party designation. Voting and tabulation of votes shall**
 14 **be conducted in the same manner as voting and tabulation in**
 15 **general elections are conducted. The precinct election boards**
 16 **serving in each county shall conduct the election for members of**
 17 **the governing body. If a school corporation is located in more than**
 18 **one (1) county, each county election board shall print the ballots**
 19 **required for voters in that county to vote for candidates for**
 20 **members of the governing body.**

21 ~~(f)~~ **(h)** If the plan provides that the governing body shall be elected
 22 by all the voters of the community school corporation, candidates shall
 23 be placed on the ballot in the form prescribed by IC 3-10-1-19 or
 24 IC 3-11 without party designation. Candidates elected shall be those
 25 having the greatest number of votes. **This section expires June 30,**
 26 **2007.**

27 **(i) This subsection applies after June 30, 2007. If the plan**
 28 **provides that the members of the governing body shall be elected**
 29 **by all the voters of the community school corporation, candidates**
 30 **shall be placed on the ballot in the form prescribed by IC 3-11-2,**
 31 **without party designation. Candidates elected are those having the**
 32 **greatest number of votes.**

33 ~~(g)~~ **(j)** If the plan provides that members of the governing body are
 34 to be elected from residence districts by all voters in the community
 35 school corporation, nominees for the governing body shall be placed on
 36 the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11 by
 37 residence districts without party designation. The ballot must state the:

38 (1) number of members to be voted upon; and

39 (2) maximum number that may be elected from each residence
 40 district as provided in the plan.

41 A ballot is not valid if a voter votes for more than the maximum
 42 number of members that are determined under subdivision (2).

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Candidates having the greatest number of votes are elected. However, if more than the maximum number that may be elected from a residence district are among those having the greatest number of votes, the lowest of those candidates from the residence districts in excess of the maximum number shall be eliminated in determining the candidates who are elected. **This subsection expires June 30, 2007.**

(k) This subsection applies after June 30, 2007. If the plan provides that members of the governing body are to be elected from residence districts by all voters in the community school corporation, nominees for the governing body shall be placed on the ballot in the form prescribed by IC 3-11-2, by residence districts without party designation. The ballot must state the number of members to be voted on and the maximum number that may be elected from each residence district as provided in the plan. A ballot is not valid if more than the maximum number are voted on from a board member residence district. Candidates having the greatest number of votes are elected. However, if more than the maximum number that may be elected from a residence district are among those having the greatest number of votes, the lowest of those candidates from the residence districts exceeding the maximum number shall be eliminated in determining the candidates who are elected.

~~(h)~~ **(l)** If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot:

- (1) in the form prescribed by IC 3-10-1-19 or IC 3-11; and
- (2) without party designation.

The ballot must state the number to be voted on from the electoral district. Candidates residing in the electoral district having the greatest number of votes are elected. **This subsection expires June 30, 2007.**

(m) This subsection applies after June 30, 2007. If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The ballot must state the number to be voted on from the electoral district. Candidates residing in the electoral district having the greatest number of votes are elected.

SECTION 10. IC 20-23-4-30, AS ADDED BY P.L.230-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) This section applies to each school

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corporation.

(b) If the governing body is to be elected at the primary election, each registered voter may vote in the governing body election without otherwise voting in the primary election. **This subsection expires June 30, 2007.**

(c) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

(d) If after the first governing body takes office, there is a vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

(1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or

(2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

(e) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.

(f) At the first ~~primary or general~~ election in which members of the governing body are elected:

(1) a simple majority of the candidates elected as members of the governing body who receive the highest number of votes shall be elected for four (4) year terms; and

(2) the balance of the candidates elected as members of the governing body receiving the next highest number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

(g) Governing body members elected:

(1) in November take office and assume their duties on January 1 or July 1 after their election, as determined by the board of

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1 school trustees before the election; and

2 (2) in May take office and assume their duties on July 1 after their
3 election.

4 **This subsection expires June 30, 2007.**

5 **(h) This subsection applies after June 30, 2007. Elected**
6 **governing body members take office and assume their duties on**
7 **January 1 or July 1 after their election, as determined before the**
8 **election by the governing body.**

9 SECTION 11. IC 20-23-7-6, AS ADDED BY P.L.1-2005,
10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2006]: Sec. 6. (a) The first metropolitan board of education
12 shall be composed of the:

13 (1) trustees; and

14 (2) members of school boards;

15 of the school corporations forming the metropolitan board of education.

16 (b) The members of the metropolitan board of education shall serve
17 ex officio as members subject to the laws concerning length of terms,
18 powers of election, or appointment and filling vacancies applicable to
19 their respective offices.

20 (c) If a metropolitan school district is comprised of only two (2)
21 board members, the two (2) members shall appoint a third board
22 member not more than ten (10) days after the creation of the
23 metropolitan school district. If the two (2) members are unable to agree
24 on or do not make the appointment of a third board member within the
25 ten (10) day period after the creation of the metropolitan school district,
26 the third member shall be appointed not more than twenty (20) days
27 after the creation of the metropolitan school district by the judge of the
28 circuit court of the county in which the metropolitan school district is
29 located. If the metropolitan school district is located in two (2) or more
30 counties, the judge of the circuit court of the county containing that part
31 of the metropolitan school district having more students than the part
32 or parts located in another county or counties shall appoint the third
33 member. The members of the metropolitan board of education serve
34 until their successors are elected or appointed and qualified.

35 (d) The first meeting of the first metropolitan board of education
36 shall be held not more than one (1) month after the creation of the
37 metropolitan school district. The first meeting shall be called by the
38 superintendent of schools, or township trustee of a school township, of
39 the school corporation in the district having the largest number of
40 students. At the first meeting, the board shall organize, and during the
41 first ten (10) days of each July **before July 1, 2007**, the board shall
42 reorganize, by electing a president, a vice president, a secretary, and a

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1 treasurer. **After June 30, 2007, each year during the first ten (10)**
 2 **days after the board members that are elected or appointed to a**
 3 **new term take office, the board shall reorganize by electing a**
 4 **president, a vice president, a secretary, and a treasurer.**

5 (e) The secretary of the board shall keep an accurate record of the
 6 minutes of the metropolitan board of education and the minutes shall
 7 be kept in the superintendent's office. When a metropolitan school
 8 district is formed, the metropolitan superintendent shall act as
 9 administrator of the board and shall carry out the acts and duties as
 10 designated by the board. A quorum consists of a majority of the
 11 members of the board. A quorum is required for the transaction of
 12 business. The vote of a majority of those present is required for a:

- 13 (1) motion;
- 14 (2) ordinance; or
- 15 (3) resolution;

16 to pass.

17 (f) The board shall conduct its affairs in the manner described in this
 18 section. Except in unusual cases, the board shall hold its meetings at
 19 the office of the metropolitan superintendent or at a place mutually
 20 designated by the board and the superintendent. Board records are to
 21 be maintained and board business is to be conducted from the office of
 22 the metropolitan superintendent or a place designated by the board and
 23 the superintendent.

24 (g) The metropolitan board of education shall have the power to pay
 25 to a member of the board:

- 26 (1) a reasonable per diem for service on the board not to exceed
- 27 one hundred twenty-five dollars (\$125) per year; and
- 28 (2) for travel to and from a member's home to the place of the
- 29 meeting within the district, a sum for mileage equal to the amount
- 30 per mile paid to state officers and employees. The rate per mile
- 31 shall change when the state government changes its rate per mile.

32 SECTION 12. IC 20-23-7-8, AS ADDED BY P.L.1-2005,
 33 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2006]: Sec. 8. (a) Members of the metropolitan board of
 35 education are elected by the registered voters of the metropolitan
 36 school district at the primary elections held biennially in the state,
 37 commencing with the next primary election that is held more than sixty
 38 (60) days after the creation of the metropolitan school district as
 39 provided in this chapter. Nominations for a member of the board of
 40 education are made by a petition signed by the nominee and by ten (10)
 41 registered voters residing in the same board member district as the
 42 nominee. A petition must be filed not earlier than the date that a

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petition of nomination may first be filed under IC 3-8-6-10 and not later than noon on the last date provided by IC 3-8-2-4 for the filing of a declaration of candidacy for the primary election with the clerk of the circuit court in each county where the metropolitan school district is located.

(b) Nominees for school board members shall be listed on the primary election ballot in the form prescribed by IC 3-10-1-19 by board member districts without party designation. A ballot shall state the number of board members to be voted upon and the maximum number of board members who may be elected from each board member district in compliance with section 5 of this chapter. A ballot is not valid if more than the maximum number of board members are voted upon from a board member district. The election boards in the various precincts and in the county or counties serving at a primary election shall conduct the election for school board members. A registered voter may vote in a school board election without otherwise voting in the primary election.

(c) Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in primary elections are conducted, and the candidates having the greatest number of votes shall be elected. If more than the maximum number of candidates that may be elected from a board member district, as provided in section 5 of this chapter, are among those having the greatest number of votes, the lowest of those candidates from the board member district in excess of the maximum number must be eliminated in determining the candidates who are elected. If there is a tie vote for the candidates, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates who shall be declared and certified elected.

(d) If after the first board member election a vacancy on the board occurs, including the failure of a sufficient number of petitions for candidates being filed, and whether the vacating member was elected or appointed, the remaining members of the metropolitan board of education shall by a majority vote fill the vacancy by appointing a person from the board member district that the person who vacated the board membership was elected, or if the person was appointed, the board member district from which the last elected predecessor of the person was elected. If there is a tie vote among the remaining members of the board or their failure to act not more than thirty (30) days after the vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment. A successor to the appointive board

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member shall be elected at the next primary election that is held more than sixty (60) days after an elected board member vacates membership on the board or at the primary election held immediately before the end of the term for which the vacating member was elected, whichever is sooner. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the term. In an election of a successor board member to fill a vacancy for a two (2) year balance of a term, nominating petitions for school board membership candidacy need not be filed for or with reference to the vacancy. However, as required by IC 3-11-2-14.5, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the lowest number of votes at the election at which the successor is elected shall serve for a two (2) year term.

(e) At the first primary election in which members of the metropolitan board of education are elected under this section, a simple majority of the elected candidates, consisting of those elected candidates who receive the highest number of votes, are elected for four (4) year terms, and the balance of the elected candidates, consisting of those who received the lowest number of votes, are elected for two (2) year terms. A candidate for membership on the metropolitan board of education shall:

- (1) be voted upon by the voters of the entire district;
- (2) be elected for four (4) year terms after the first election; and
- (3) take office and assume the duties of the office July 1 following their election.

(f) This section expires June 30, 2007.

SECTION 13. IC 20-23-7-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 8.1. (a) This section applies after June 30, 2007.**

(b) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.

(c) Each nominee for the school board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district

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1 is located.

2 (d) Nominees for the school board shall be listed on the general
3 election ballot:

- 4 (1) in the form prescribed by IC 3-11-2;
5 (2) by board member districts; and
6 (3) without party designation.

7 The ballot must state the number of board members to be voted on
8 and the maximum number that may be elected from each board
9 member district as provided under section 5 of this chapter. A
10 ballot that contains more votes than the maximum number allowed
11 from a board member district is invalid.

12 (e) The precinct election boards in each county serving at the
13 general election shall conduct the election for school board
14 members.

15 (f) Voting and tabulation of votes shall be conducted in
16 accordance with IC 3, and the candidates having the greatest
17 number of votes are elected to the school board.

18 (g) If there are more candidates from a particular board
19 member district than may be elected from the board member
20 district under section 5 of this chapter:

- 21 (1) the number of candidates elected is the highest number
22 that may be elected from the board member district;
23 (2) the candidates elected are those who, among the
24 candidates from the board member district, received the
25 highest number of votes; and
26 (3) the other candidates from the board member district are
27 eliminated.

28 (h) If there is a tie vote among the candidates for the school
29 board, the judge of the circuit court in the county where the
30 majority of the registered voters of the metropolitan school district
31 reside shall select one (1) of the candidates who shall be declared
32 and certified elected.

33 (i) If, at any time after the first board member election, a
34 vacancy on the metropolitan board of education occurs for any
35 reason, including an insufficient number of petitions for candidates
36 being filed, and regardless of whether the vacating member was
37 elected or appointed, the remaining members of the metropolitan
38 board of education, whether or not a majority of the board, shall
39 by a majority vote fill the vacancy by:

- 40 (1) appointing a person from the board member district from
41 which the person who vacated the board was elected; or
42 (2) if the person was appointed, appointing a person from the

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board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(j) At a general election held on the earlier of:

(1) more than sixty (60) days after an elected board member vacates membership on the board; or

(2) immediately before the end of the term for which the vacating member was elected;

a successor to the appointed board member shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a successor board member to fill a vacancy for a two (2) year balance of a term, candidates for school board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the lowest number of votes at the election at which the successor is elected shall serve for a two (2) year term.

(k) At the first general election where members of the metropolitan board of education shall be elected under this section, a simple majority of the elected candidates who receive the highest number of votes shall be elected for four (4) year terms, and the balance of the elected candidates who receive the lower number of votes shall be elected for two (2) year terms.

(l) Board members shall be elected for four (4) year terms after the first election and shall take office January 1 following the election.

SECTION 14. IC 20-23-7-12, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) As used in this section, "school township" means a school township of this state that:

(1) for the last full school semester immediately preceding the adoption of a preliminary resolution by the township trustee and the township board under subsection (f) or their adoption of a resolution of disapproval under subsection (g) had an average daily membership of at least six hundred (600) students in

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kindergarten through grade 12 in the public schools of the school township; or

(2) is part of a township in which there were more votes cast for township trustee outside the school township than inside the school township in the general election at which the trustee was elected and that preceded the adoption of the preliminary or disapproving resolution.

(b) As used in this section, "township trustee" means the township trustee of the township in which the school township is located.

(c) As used in this section, "township board" means the township board of the township in which the school township is located.

(d) As used in this section, "county" means the county in which the school township is located.

(e) In a school township, a metropolitan school district may be created by complying with this section. A metropolitan school district created under this section shall have the same boundaries as the school township. After a district has been created under this section, the school township that preceded the metropolitan school district is abolished. None of the procedures or provisions governing the creation of a metropolitan school district under another section of this chapter are applicable to the creation of a district under this section. After a district is created under this section, the metropolitan school district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 2 of this chapter.

(f) Except as provided in subsection (g), a metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At the meeting the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:

(A) by publication by two (2) insertions one (1) week apart in a newspaper of general circulation published in the school township; or

(B) if there is no newspaper as described in clause (A), in a newspaper of general circulation in the county;

of the adoption of the resolution setting forth the text of the resolution.

(2) On the thirtieth day after the date of the last publication of the

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notice under subdivision (1) and if a protest has not been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day after the date of the last publication of the notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district must be created in the township in accordance with the preliminary resolution, then an election must be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall both be adopted at a meeting of the township trustee and township board in which the township trustee and each member of the township board received or waived a written notice of the date, time, place, and purpose of the meeting. The resolution and the proof of service or waiver of the notice shall be made a part of the records of the township board.

(g) Except as provided in subsection (f), a metropolitan school district may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, not more than ten (10) days after the filing of a petition:

(A) adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or

(B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in

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1 conjunction with a primary or general election to be held not more than
 2 one hundred twenty (120) days after the filing of a petition under
 3 subsection (f) or the adoption of the disapproving resolution under
 4 subsection (g). The township trustee shall certify the question to the
 5 county election board under IC 3-10-9-3 and give notice of an election:

6 (1) by two (2) insertions one (1) week apart in a newspaper of
 7 general circulation in the school township; or

8 (2) if a newspaper described in subdivision (1) does not exist, in
 9 a newspaper of general circulation published in the county.

10 The notice must provide that on a day and at an hour named in the
 11 notice, the polls shall be opened at the usual voting places in the
 12 various precincts in the school township for the purpose of taking the
 13 vote of the registered voters of the school township regarding whether
 14 a metropolitan school district shall be created in the township. The
 15 election shall be held not less than twenty (20) days and not more than
 16 thirty (30) days after the last publication of the notice unless a primary
 17 or general election will be conducted not more than six (6) months after
 18 the publication. In that case, the county election board shall place the
 19 public question on the ballot at the primary or general election. If the
 20 election is to be a special election, the township trustee shall give
 21 notice not more than thirty (30) days after the filing of the petition or
 22 the adoption of the disapproving resolution.

23 (i) On the day and time named in the notice, the polls shall be
 24 opened, and the votes of the voters shall be taken regarding whether a
 25 metropolitan school district shall be created in the school township.
 26 IC 3 governs the election except as otherwise provided in this chapter.
 27 The county election board shall conduct the election. The public
 28 question shall be placed on the ballot in the form prescribed by
 29 IC 3-10-9-4 and must state "Shall a metropolitan school district under
 30 IC 20-23-7 be formed in the _____ School Township of
 31 _____ County, Indiana?". The name of the school township
 32 shall be inserted in the blanks.

33 (j) The votes cast in the election shall be canvassed at a place in the
 34 school township determined by the county election board. The
 35 certificate of the votes cast for and against the creation of a
 36 metropolitan school district shall be filed in the records of the township
 37 board and recorded with the county recorder. If the special election is
 38 not conducted at a primary or general election, the school township
 39 shall pay the expense of holding the election out of the special school
 40 fund that is appropriated for this purpose.

41 (k) A metropolitan school district shall, subject to section 7 of this
 42 chapter, be created on the thirtieth day after the date of the adoption of

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the confirming resolution under subsection (f) or an election held under subsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of _____ Township, _____ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without other compensation or reimbursement for expenses than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and 8 (**before July 1, 2007**), and 8.1 (**after June 30, 2007**) of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. **Before July 1, 2007**, the first board shall serve until July 1 following the election of a metropolitan school board at the first primary election held more than sixty (60) days following the creation of the metropolitan school district. **After June 30, 2007, the first board shall serve until January 1 following the election of a metropolitan school board at the first general election held more than sixty (60) days following the creation of the metropolitan school district.**

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(n) After the creation of a metropolitan school district under ~~with~~ this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.

SECTION 15. IC 20-23-8-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A plan or proposed plan must contain the following items:

(1) The number of members of the governing body, which shall be:

- (A) three (3);
- (B) five (5); or
- (C) seven (7);

members.

(2) Whether the governing board shall be elected or appointed.

(3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.

(4) If elected, whether the election shall be at the primary or at the general election that county officials are nominated or elected, and a general description of the manner of election that conforms with the requirements of IC 20-23-4-27. **After June 30, 2007, a plan must provide that the members of an elected governing board shall be elected at the general election at which county officials are elected.**

(5) The limitations on:

- (A) residence;
- (B) term of office; and
- (C) other qualifications;

required by members of the governing body.

(6) The time the plan takes effect.

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a

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population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members.

SECTION 16. IC 20-23-8-21, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) An election may not be held under this chapter more than once each eighteen (18) months. A plan for a governing body may not be adopted more than once each six (6) years, except if **either of the following applies:**

~~(1) the plan only changes the time of voting for board members from the primary to the general election or from the general to the primary election;~~

~~(2) (1) A plan adopted is declared or held to be invalid by a binding judgment or order in a United States or an Indiana court that no appeal or further approval can be taken. or~~

~~(3) (2) The plan provides solely for changes in items specified in section 7(a)(5) of this chapter.~~

(b) After June 30, 2007, board members shall be elected at general elections.

SECTION 17. IC 20-23-10-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The board members of a merged school corporation shall be elected at the first **primary general** election following the merged school corporation's creation, and vacancies shall be filled in accordance with IC 20-23-4-30.

(b) Until the first election under subsection (a), the board of trustees of the merged school corporation consists of:

(1) the members of the governing body of a school corporation in the county other than a school township; and

(2) the township trustee of a school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. The name may be changed by unanimous vote of the governing body of the merged school corporation.

SECTION 18. IC 20-23-12-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members elected as follows:

(1) On a nonpartisan basis.

(2) **Before July 1, 2007, in a primary election held in the county, and after June 30, 2007, in a general election held in the county.**

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(b) Six (6) of the members shall be elected from the school districts drawn under section 4 of this chapter. Each member:

- (1) is elected from the school district in which the member resides; and
- (2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

(c) One (1) of the members elected:

- (1) is the at-large member of the governing body;
- (2) may reside in any of the districts drawn under section 4 of this chapter; and
- (3) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

SECTION 19. IC 20-23-12-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The term of each person elected to serve on the governing body

- ~~(1) is four (4) years. and~~
- ~~(2) begins~~

(b) The term of each person elected to serve on the governing body begins on the following date:

- (1) For a person elected before July 1, 2007, the July 1 that next follows the person's election.**
- (2) For a person elected after June 30, 2007, the January 1 that next follows the person's election.**

SECTION 20. IC 20-23-12-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The members are elected as follows:

- (1) Three (3) of the members elected under section 3(b) of this chapter are elected at the primary election to be held in 2008 and every four (4) years thereafter.
- (2) Three (3) of the members elected under section 3(b) of this chapter are elected at the primary election to be held in 2006 and every four (4) years thereafter.
- (3) The at-large member elected under section 3(c) of this chapter is elected at the primary election to be held in 2008 and every four (4) years thereafter.

This subsection expires June 30, 2007.

(b) This subsection applies after June 30, 2007. The members shall be elected as follows:

- (1) Three (3) of the members elected under section 3(b) of this chapter shall be elected at the general election to be held in 2008 and every four (4) years thereafter.**

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(2) Three (3) of the members elected under section 3(b) of this chapter shall be elected at the general election to be held in 2010 and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter shall be elected at the general election to be held in 2010 and every four (4) years thereafter.

SECTION 21. IC 20-23-13-1, AS ADDED BY P.L.230-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) In a community school corporation established under IC 20-23-4 that:

(1) has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000); and

(2) is the successor in interest to a school city having the same population;

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

(b) At the 2008 primary election; and at each primary election every four (4) years thereafter, there shall be elected in each school corporation covered by this chapter two (2) governing body members, each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.

(c) (b) At the 2006 primary election, and at each primary election every four (4) years thereafter, there shall be elected in each school city covered by this chapter three (3) governing body members, each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election. **This subsection expires June 30, 2007.**

(d) (c) The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this section.

SECTION 22. IC 20-23-13-2, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this section, "county election board" means a board of elections and registration under IC 3-6-5.2.

(b) The governing body shall be elected on a general ticket for a term of four (4) years by the voters of the school city. A voter may vote in the primary election for governing body members without otherwise voting and without declaring party preference. The members of the governing body shall be elected at the time of the primary elections as provided in section 1 of this chapter and shall be taken from the city at

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large without reference to district. The election shall be held under IC 3-10-1, insofar as it is not inconsistent with this chapter.

(c) At the time provided by law for the filing of declaration of candidacy for the primary election in which members of the governing body are to be elected as provided for in this chapter, legal voters of the city may present names of candidates for election as members of the governing body to the county election board in each county in which a school city subject to this chapter is situated as follows:

(1) Each candidate shall be proposed in a petition in writing signed by not less than two hundred (200) legal voters of the school city.

(2) Not more than one (1) candidate may be named in any one (1) petition.

(3) A legal voter may not sign petitions for a greater number of candidates than the number of school trustees to be elected in the primary election concerned.

(d) Upon the presentation of the petition to the county election board, the board shall publish the names proposed in accordance with IC 5-3-1 and shall certify the nominations in the manner as required by law. The election shall be conducted in accordance with IC 3.

(e) The county election board shall prepare the ballot for the primary election at which governing body members are to be elected as provided in this section so that the names of the candidates nominated for the governing body appear on the ballot:

(1) in alphabetical order;

(2) without party designation; and

(3) in the form prescribed by IC 3-10-1-19.

The name of a candidate may not be published and placed on the ballot by the county election board if the candidate is ineligible for membership on the governing body under this chapter. Each voter may vote for as many candidates as there are governing body members to be elected.

(f) This section expires June 30, 2007.

SECTION 23. IC 20-23-13-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.1. (a) This section applies after June 30, 2007.**

(b) As used in this section, "county election board" includes a board of elections and registration under IC 3-6-5.2.

(c) The voters of the school city shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without

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reference to district.

(d) Each candidate for election to the governing body must file a petition of nomination with the county election board in each county in which a school city subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:

(1) The petition must be signed by at least two hundred (200) legal voters of the school city.

(2) Each petition may nominate only one (1) candidate.

(3) Each legal voter may sign petitions equal in number to the number of school trustees to be elected.

(e) After all the petitions described in subsection (d) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(f) The county election board shall prepare the ballot for the general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on the ballot:

(1) in alphabetical order;

(2) without party designation; and

(3) in the form prescribed by IC 3-11-2.

(g) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(h) Each voter may vote for as many candidates as there are members of the governing body to be elected.

SECTION 24. IC 20-23-14-5, AS ADDED BY P.L.230-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

(1) Each prospective candidate must file a **petition of nomination** ~~petition~~ with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the primary election at which the members are to be elected that includes the following information:

(A) The name of the prospective candidate.

(B) Whether the prospective candidate is a district candidate or an at-large candidate.

(C) A certification that the prospective candidate meets the

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1 qualifications for candidacy imposed under this chapter.

2 (D) The signatures of at least one hundred (100) registered
3 voters residing in the school corporation.

4 **This subdivision expires June 30, 2007.**

5 **(2) This subdivision applies after June 30, 2007. Each**
6 **prospective candidate must file a petition of nomination with**
7 **the board of elections and registration not earlier than one**
8 **hundred four (104) days and not later than noon seventy-four**
9 **(74) days before the general election at which the members**
10 **are to be elected that includes the following:**

11 (A) The name of the prospective candidate.

12 (B) Whether the prospective candidate is a district
13 candidate or an at-large candidate.

14 (C) A certification that the prospective candidate meets the
15 qualifications for candidacy imposed under this chapter.

16 (D) The signatures of at least one hundred (100) registered
17 voters residing in the school corporation.

18 ~~(2)~~ (3) Each prospective candidate for a district position must:

19 (A) reside in the district; and

20 (B) have resided in the district for at least the three (3) years
21 immediately preceding the election.

22 ~~(3)~~ (4) Each prospective candidate for an at-large position must:

23 (A) reside in the school corporation; and

24 (B) have resided in the school corporation for at least the three
25 (3) years immediately preceding the election.

26 ~~(4)~~ (5) Each prospective candidate (regardless of whether the
27 candidate is a district candidate or an at-large candidate) must:

28 (A) be a registered voter;

29 (B) have been a registered voter for at least the three (3) years
30 immediately preceding the election; and

31 (C) be a high school graduate or have received a:

32 (i) high school equivalency certificate; or

33 (ii) state general educational development (GED) diploma
34 under IC 20-20-6.

35 ~~(5)~~ (6) A prospective candidate may not:

36 (A) hold any other elective or appointive office; or

37 (B) have a pecuniary interest in any contract with the school
38 corporation or its governing body;

39 as prohibited by law.

40 SECTION 25. IC 20-23-14-8, AS ADDED BY P.L.1-2005,
41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2006]: Sec. 8. (a) The term of each person elected to serve on

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the governing body

(1) is four (4) years. ~~and~~

(2) ~~begins~~

(b) The term of each person elected to serve on the governing body begins on the following date:

(1) For a person elected before July 1, 2007, the July 1 that next follows the person's election.

(2) For a person elected after June 30, 2007, the January 1 that next follows the person's election.

SECTION 26. IC 20-23-14-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. **(a)** The members are elected as follows:

(1) Three (3) of the members are elected at the primary election to be held in 2008 and every four (4) years thereafter.

(2) Two (2) of the members are elected at the primary election to be held in 2006 and every four (4) years thereafter.

This subsection expires June 30, 2007.

(b) This section applies after June 30, 2007. The members shall be elected as follows:

(1) Three (3) of the members shall be elected at the general election to be held in 2008 and every four (4) years thereafter.

(2) Two (2) of the members shall be elected at the general election to be held in 2010 and every four (4) years thereafter.

SECTION 27. IC 20-25-3-4, AS ADDED BY P.L.119-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The board consists of seven (7) members. A member:

(1) must be elected on a nonpartisan basis:

(A) before July 1, 2007, in primary elections held in the county; **and**

(B) after June 30, 2007, in general elections held in the county;

as specified in this section; and

(2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that

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1 candidate.

2 (d) If a candidate files to run for a position on the board, the
3 candidate must specify whether the candidate is running for a district
4 or an at-large position.

5 (e) A candidate who runs for a district or an at-large position wins
6 if the candidate receives the greatest number of votes of all the
7 candidates against whom the candidate runs.

8 (f) Districts shall be established within the school city by the state
9 board. The districts must be drawn on the basis of precinct lines, and
10 as nearly as practicable, of equal population with the population of the
11 largest district not to exceed the population of the smallest district by
12 more than five percent (5%). District lines must not cross precinct
13 lines. The state board shall establish:

- 14 (1) balloting procedures for the election under IC 3; and
15 (2) other procedures required to implement this section.

16 (g) A member of the board serves under section 3 of this chapter.

17 (h) In accordance with subsection (k), a vacancy in the board shall
18 be filled temporarily by the board as soon as practicable after the
19 vacancy occurs. The member chosen by the board to fill a vacancy
20 holds office until the member's successor is elected and qualified. The
21 successor shall be elected at the next regular school board election
22 occurring after the date on which the vacancy occurs. The successor
23 fills the vacancy for the remainder of the term.

24 (i) **Before July 1, 2007**, an individual elected to serve on the board
25 begins the individual's term on July 1 of the year of the individual's
26 election. **After June 30, 2007, an individual elected to serve on the**
27 **board begins the individual's term on January 1 immediately**
28 **following the individual's election.**

29 (j) Notwithstanding any law to the contrary, each voter must cast a
30 vote for a school board candidate or school board candidates by voting
31 system or paper ballot. However, the same method used to cast votes
32 for all other offices for which candidates have qualified to be on the
33 election ballot must be used for the board offices.

34 (k) If a vacancy in the board exists because of the death of a
35 member, the remaining members of the board shall meet and select an
36 individual to fill the vacancy in accordance with subsection (h) after
37 the secretary of the board receives notice of the death under IC 5-8-6.

38 SECTION 28. IC 33-33-53-5, AS AMENDED BY P.L.1-2005,
39 SECTION 217, AND AS AMENDED BY P.L.231-2005, SECTION
40 50, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2006]: Sec. 5. In accordance with rules adopted
42 by the judges of the court under section 6 of this chapter, the presiding

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judge shall do the following:

(1) Ensure that the court operates efficiently and judicially under rules adopted by the court.

(2) Annually submit to the fiscal body of Monroe County a budget for the court, including amounts necessary for:

(A) the operation of the circuit's probation department;

(B) the defense of indigents; and

(C) maintaining an adequate law library.

(3) Make the appointments or selections required of a circuit or superior court judge under the following statutes:

IC 8-4-21-2

IC 11-12-2-2

IC 16-22-2-4

IC 16-22-2-11

IC 16-22-7

~~IC 20-4-1~~

IC 20-23-4

~~IC 20-4-8~~

IC 20-23-16-19

IC 20-23-16-21

IC 20-23-7-6

IC 20-23-7-8 before July 1, 2007, and IC 20-23-7-8.1 after

June 30, 2007

~~IC 20-5-20-4~~

~~IC 20-5-23-1~~

~~IC 20-14-10-10~~

~~IC 20-23-16-30~~

IC 20-26-7-8

~~IC 20-26-7-13~~ **IC 20-26-7-14**

IC 36-12-10-10

IC 21-5-11-8

IC 21-5-12-8

IC 36-9

IC 36-10.

(4) Make appointments or selections required of a circuit or superior court judge by any other statute, if the appointment or selection is not required of the court because of an action before the court.

SECTION 29. [EFFECTIVE JULY 1, 2006] (a) **As used in this SECTION, "governing body" refers to the governing body of a school corporation subject to any of the following:**

(1) **Before July, 1, 2005, IC 20-4-1-26.5 (repealed), and after**

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June 30, 2005, IC 20-23-4-30.

(2) Before July 1, 2005, IC 20-4-8-18 (repealed), and after June 30, 2005, IC 20-23-7-8.

(3) Before July 1, 2005, IC 20-4-10.1-3 (repealed), and after June 30, 2005, IC 20-23-8-8.

(4) Before July 1, 2005, IC 20-4-19-5 (repealed), and after June 30, 2005, IC 20-23-10-8.

(5) Before July 1, 2005, IC 20-3-21 (repealed), and after June 30, 2005, IC 20-23-12.

(6) Before July 1, 2005, IC 20-4-3 (repealed), and after June 30, 2005, IC 20-23-13.

(7) Before July 1, 2005, IC 20-3-22 (repealed), and after June 30, 2005, IC 20-23-14.

(8) Before July 1, 2005, IC 20-3-11-3.1 (repealed), and after June 30, 2005, IC 20-25-3-4.

(b) This subsection applies to a member of a governing body elected at the 2004 primary election. The successor of such a member shall:

(1) be elected at the 2008 general election; and

(2) take office January 1, 2009.

(c) This subsection applies to a member of a governing body elected at the 2006 primary election. The successor of such a member shall:

(1) be elected at the 2010 general election; and

(2) take office January 1, 2011.

(d) This SECTION expires July 1, 2011.

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